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EXAMINER

ZECHER, MICHAEL R

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/715,081	<b>Applicant(s)</b> LANGRIDGE, PHILIP S.	
	<b>Examiner</b> MICHAEL R. ZECHER	<b>Art Unit</b> 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 26,28-30,33-37,39 and 41-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26,28-30,33-37,39 and 41-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/6/2009</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The following is a first, non-final Office Action on the merits following a Request for Continued Examination entered January 2, 2009. **Claims 26, 33, 37, & 42-50** have been amended. **Claims 26, 28-30, 33-37, 39, & 41-50** are pending.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 37, 39, & 41** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 37** recites "...non-benchmark instrument exceeding a threshold." It is unclear what constitutes exceeding a "threshold." The claim in question does not set forth a definitive requirement for exceeding a specified number. Clarification is required. For examination purposes, the Examiner has construed the limitation as --exceeding any arbitrary number--.

**Claim 39** recites a substantially equivalent limitation to claim 37 and therefore is rejected under the same rationale set forth above.

**Claim 41** recites a substantially equivalent limitation to claim 37 and therefore is rejected under the same rationale set forth above.

#### ***Double Patenting***

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

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unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claims because the examined application claim is either anticipated by, or would have been obvious over, the reference claims. See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. **Claims 26, 28-30, 33-37, 39, & 41-50** are provisionally rejected on the ground of nonstatutory double patenting over claims 13-37, and the corresponding specification of

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copending Application No. 10/759957 (hereinafter "957"). This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows:

**As per claim 26**, 957 teaches a method comprising:

receiving by a computing device a selection of selecting a quadrant from a plurality of quadrants, in which each quadrant comprises a portion of a customizable display and each quadrant comprises a benchmark instrument, the selected quadrant comprising a first benchmark instrument;

retrieving by a computing device a plurality of non-benchmark instruments from a server coupled to the computing device over a network, in which each non-benchmark instrument shares at least one variable in common with the first benchmark instrument, and in which the first benchmark instrument comprises a first type of instrument, and in which the one of the plurality of non-benchmark instruments comprises a second type of instrument;

retrieving from a server market data for the benchmark instrument and the plurality of non-benchmark instruments; and

generating and outputting the customizable display, in which the customizable display comprises the selected quadrant and a plurality of other quadrants, and in which

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the selected quadrant comprises the retrieved market data for the first benchmark instrument and the plurality of non-benchmark instruments (See claim 13).

**As per claim 28**, 957 teaches that a second one of the plurality of non-benchmark instruments comprises a third type of instrument (See claim 23).

**As per claim 29**, 957 teaches that at least one of the first type of instrument, the second type of instrument and the third type of instrument comprises at least one of: a bond, a futures contract, a stock, a debt instrument, an equity, and another type of instrument (See claim 23).

**As per claim 30**, 957, teaches receiving a request for displaying the selected quadrant and the plurality of other quadrants of the customizable display in accordance to a layout (See claim 27).

**As per claim 33**, 957 teaches:

receiving a request to replace the first benchmark instrument with a second benchmark instrument, in which the first benchmark instrument is associated with the selected quadrant;

selecting a second quadrant, in which the second quadrant comprises the second benchmark instrument;

removing the selected quadrant from a position in the customizable display; and  
updating the customizable display to include the second quadrant, in which the second quadrant is located in the position that was formerly occupied by the removed quadrant (See claim 17).

**As per claim 34**, 957 teaches:

receiving a request to add a third benchmark instrument to the customizable display;

selecting a third quadrant, in which the third quadrant comprises the third benchmark instrument; and

updating the customizable display, in which the customizable display comprises the third quadrant and the plurality of other quadrants that were previously displayed on the customizable display, in which a size of each of the other quadrant is decreased in order to accommodate the size of the third quadrant (See claim 20).

**As per claim 35**, 957 teaches that each non-benchmark instrument comprises a market depth, in which the market depth of each non-benchmark instrument comprise a quantity of different prices that are available for each non- benchmark instrument (See pg. 14 of the specification).

**As per claim 36**, 957 teaches that the market depth comprises a value between 1 and 10 (See pg. 14 of the specification).

**As per claim 37**, 957 teaches determining that the market depth of one of the plurality of the non-benchmark instruments exceeds a threshold;

transmitting an indication that the market depth of one of the plurality of the non-benchmark instruments exceeds the threshold; and

receiving, in response to the transmitted indication that the market depth exceeds the threshold, a request to exchange the first benchmark instrument with one of the plurality of non-benchmark instruments (See pg. 15 of the specification).).

**As per claim 39**, 957 teaches:

determining that the market depth of one of the plurality of non-benchmark instruments exceeds a threshold; and

generating an identifiable graphical user interface (GUI) element that indicates the market depth exceeds the threshold, in which the GUI element is displayed on the customizable display (See pg. 15 of the specification).

**As per claim 41**, 957 teaches:

determining that the market depth of one of the plurality of non-benchmark instruments is less than a threshold; and

generating an identifiable graphical user interface (GUI) element that indicates the market depth is less than the threshold, in which the GUI element is displayed on the customizable display (See pg 15 of the specification).

**Claim 42** recites equivalent limitation to claim 26 and therefore is rejected using the same art and rationale set forth above.

**Claims 43-45** recite equivalent limitation to claims 28-30, respectively, and therefore are rejected using the same art and rationale set forth above.

**Claims 46 & 47** recite equivalent limitation to claims 33 & 34, respectively, and therefore are rejected using the same art and rationale set forth above.

**Claim 48** recites equivalent limitation to claim 26 and therefore is rejected using the same art and rationale set forth above.

**Claims 49 & 50** recite equivalent limitation to claims 33 & 34, respectively, and therefore are rejected using the same art and rationale set forth above.



Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 26, 28-30, 33-35, 37, 39, & 41-50** are rejected under 35 U.S.C. 103(a) as being unpatentable over Martyn et al. (U.S. 6,195,647), and further in view of McCarthy et al. (U.S. 2002/0161690).

**As per claim 26**, Martyn et al. teaches a method comprising:

receiving by a computer device a selection of a quadrant from a plurality of quadrants (See figure 1, and column 11, lines 43-44, which illustrates and discusses a hardware system capable of displaying a selected portion of securities), in which each quadrant comprises a portion of a customizable display (See column 1, lines 53-58, which discusses customizing a trading display) and each quadrant comprises a benchmark instrument, the selected quadrant comprising a first benchmark instrument (See figure 4, #4024, which illustrates a point of reference or the inside quote for a specific security);

retrieving from a server market data for the selected benchmark instrument and the plurality of non-benchmark instruments (See figure 1 and column 5, lines 51-56, which illustrates and discusses a hardware system capable of receiving market data in real time); and

generating and outputting the customizable display (See column 1, lines 53-58, which discusses customizing a trading display),

However, Martyn et al. does not disclose retrieving by a computer device a plurality of non-benchmark instruments from a server coupled to the computer device over a network, in which each non-benchmark instrument shares at least one variable in common with the first benchmark instrument, and in which the first benchmark instrument comprises a first type of instrument, and in which the one of the plurality of non-benchmark instruments comprises a second type of instrument; and

in which the customizable display comprises the selected quadrant and a plurality of other quadrants, and the selected quadrant comprises the retrieved market data for the first benchmark instrument and the plurality of non-benchmark instruments.

McCarthy et al. discloses a system, method, and medium for performing electronic trading (See abstract).

Both Martyn et al. and McCarthy et al. disclose customized trading displays for financial instruments. McCarthy et al. discloses a computer (See figure 23, which illustrates a central processing unit); portfolio lines that range from individual securities to categories or types of securities, selected benchmarks (See paragraphs 50 & 78, which discusses particular securities or categories of securities that match specific

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trading criteria; and, furthermore, selected benchmarks and adding additional securities); and a compilation of grids (See figures 10-11 & 14-15, which illustrates numerous grids that display relevant market data). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martyn et al. to include a computer capable of retrieving non-benchmark securities related to specific trading criteria (i.e. benchmark security), whereby the benchmark security and non-benchmark security are different financial instruments, and displaying the market data in grids as taught by McCarthy et al. in order to allow a trader to use various trading interfaces to create orders, manipulate orders, cancel orders, cycle through multiple issues, obtain trading information more relevant than limit price stacks, or efficiently buy or sell items inside or within a spread market.

**As per claim 28**, Martyn et al. does not disclose that a second one of the plurality of non-benchmark instruments comprises a third type of instrument.

McCarthy et al. discloses portfolio lines that range from individual securities to categories or types of securities (See paragraphs 50 & 78, which discusses particular securities or categories of securities that match specific trading criteria). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martyn et al. to include non-benchmark securities, whereby the non-benchmark securities make up different categories of securities, as taught by McCarthy et al. in order to allow a trader to use various trading interfaces to create orders, manipulate orders, cancel orders, cycle through multiple issues, obtain trading

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information more relevant than limit price stacks, or efficiently buy or sell items inside or within a spread market.

**As per claim 29**, Martyn et al. teaches that at least one of the first type of instrument, the second type of instrument and the third type of instrument comprises at least one of: a bond, a futures contract, a stock, a debt instrument, an equity and another type of instrument (See column 3, lines 36-43, which discusses securities).

**As per claim 30**, Martyn et al. teaches that receiving a request for displaying the selected quadrant and the plurality of other quadrants of the customizable display in accordance to a layout (See column 4, lines 52-67, and column 7, lines 23-57, which discusses customizing a trading display, including removing windows, updating windows, and adding windows).

**As per claim 33**, Martyn et al. teaches:

receiving a request to replace the benchmark instrument with a second benchmark instrument, in which the benchmark instrument is associated with the selected quadrant (See column 5, lines 62-67, which discusses how a user types the name of a security in a text box in order to create a new window);

selecting a second quadrant, in which the second quadrant comprises the second benchmark instrument (See figure 4, and column 5, line 57, through column 6, line 22, which illustrates and discusses how the NASDAQ workstation software fills in various information to create a new display);

removing the selected quadrant from a position in the customizable display (See column 4, lines 52-67, and column 7, lines 24-34, which discusses how a user selects the Dynamic Quote Setup window by using a Window list box); and

updating the customizable display to include the second quadrant, in which the second quadrant is located in the position that was formerly occupied by the removed quadrant (See column 1, lines 53-58, column 4, lines 52-67, and column 7, lines 23-57, which discusses customizing a trading display, including removing windows, updating windows, and adding windows).

**As per claim 34**, Martyn et al. teaches:

receiving a request to add a third benchmark instrument to the customizable display (See column 5, lines 62-67, which discusses how a user types the name of a security in a text box in order to create a new window);

selecting a third quadrant, in which the third quadrant comprises the third benchmark instrument (See figure 4, and column 5, line 57, through column 6, line 22, which illustrates and discusses how the NASDAQ workstation software fills in various information to create a new display); and

updating the customizable display in which the customizable display comprises the third quadrant and the plurality of other quadrants that were previously displayed on the customizable display, in which a size of each of the other quadrants is decreased in order to accommodate the size of the third quadrant (See column 4, lines 52-67, and column 7, lines 23-57, which discusses customizing a trading display, including removing windows, updating windows, and adding windows).

**As per claim 35**, Martyn et al. teaches market depth (See column 9, lines 46-54, and claim 12, which discusses bid and offer market depth).

However, Martyn et al. does not disclose that each non-benchmark instrument comprises a market depth, in which the market depth of each non-benchmark instrument comprises a quantity of different prices that are available for each non-benchmark instrument.

McCarthy et al. discloses portfolio lines that range from individual securities to categories or types of securities and selected benchmarks (See paragraphs 50 & 78, which discusses particular securities or categories of securities that match specific trading criteria; and, furthermore, selected benchmarks and adding additional securities). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martyn et al. to include the market depth of non-benchmark securities as taught by McCarthy et al. in order to allow a trader to use various trading interfaces to create orders, manipulate orders, cancel orders, cycle through multiple issues, obtain trading information more relevant than limit price stacks, or efficiently buy or sell items inside or within a spread market.

**As per claim 37**, Martyn et al. teaches determining market depth (See column 9, lines 46-54, and claim 12, which discusses bid and offer market depth) and status indicators (See column 5, lines 9-29, which discusses a system status window and a status indicator area).

However, Martyn et al. does not expressly disclose:

determining that the market depth of one of the plurality of the non-benchmark instruments exceeds a threshold;

transmitting an indication that the market depth of one of the plurality of the non-benchmark instruments exceeds the threshold; and

receiving, in response to the transmitted indication that the market depth exceeds the threshold, a request to exchange the benchmark instrument with one of the plurality of non-benchmarks instruments.

McCarthy et al. discloses portfolio lines that range from individual securities to categories or types of securities and selected benchmarks (See paragraphs 50 & 78, which discusses particular securities or categories of securities that match specific trading criteria; and, furthermore, selected benchmarks and adding additional securities). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martyn et al. to include evaluating the depth of the market of non-benchmark securities in relation to a benchmark security, use a status indicator to determine if an arbitrary number has been exceeded, and if so, change benchmark securities as taught by McCarthy et al. in order to combine the know features of status indicators and market depth to achieve the predictable result of monitoring market depth in relation to a reference point.

**As per claim 39**, Martyn et al. teaches determining market depth (See column 9, lines 46-54, and claim 12, which discusses bid and offer market depth) and status indicators (See column 5, lines 9-29, which discusses a system status window and a status indicator area).

However, Martyn et al. does not disclose:

determining that the market depth of one of the plurality of non-benchmark instruments exceeds a threshold; and

generating an identifiable graphical user interface (GUI) element that indicates the market depth exceeds the threshold, in which the GUI element is displayed on the customizable display.

McCarthy et al. discloses portfolio lines that range from individual securities to categories or types of securities and selected benchmarks (See paragraphs 50 & 78, which discusses particular securities or categories of securities that match specific trading criteria; and, furthermore, selected benchmarks and adding additional securities). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martyn et al. to include evaluating the depth of the market of non-benchmark securities in relation to a benchmark security and using a status indicator to determine if an arbitrary number has been exceeded as taught by McCarthy et al. in order to combine the know features of status indicators and market depth to achieve the predictable result of monitoring market depth in relation to a reference point to determine if a threshold is exceeded.

**As per claim 41**, Martyn et al. teaches determining market depth (See column 9, lines 46-54, and claim 12, which discusses bid and offer market depth) and status indicators (See column 5, lines 9-29, which discusses a system status window and a status indicator area).

However, Martyn et al. does not disclose:



determining that the market depth of one of the plurality of non-benchmark instruments is less than a threshold; and

generating an identifiable graphical user interface (GUI) element that indicates the market depth is less than the threshold, in which the GUI element is displayed on the customizable display.

McCarthy et al. discloses portfolio lines that range from individual securities to categories or types of securities and selected benchmarks (See paragraphs 50 & 78, which discusses particular securities or categories of securities that match specific trading criteria; and, furthermore, selected benchmarks and adding additional securities). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martyn et al. to include evaluating the depth of the market of non-benchmark securities in relation to a benchmark security and using a status indicator to determine if an arbitrary number has been satisfied as taught by McCarthy et al. in order to combine the know features of status indicators and market depth to achieve the predictable result of monitoring market depth in relation to a reference point to determine if a threshold is satisfied.

**Claim 42** recites equivalent limitation to claim 26 and therefore is rejected using the same art and rationale set forth above.

**Claims 43-45** recite equivalent limitation to claims 28-30, respectively, and therefore are rejected using the same art and rationale set forth above.

**Claims 46 & 47** recite equivalent limitation to claims 33 & 34, respectively, and therefore are rejected using the same art and rationale set forth above.

**Claim 48** recites equivalent limitation to claim 26 and therefore is rejected using the same art and rationale set forth above.

**Claims 49 & 50** recite equivalent limitation to claims 33 & 34, respectively, and therefore are rejected using the same art and rationale set forth above.

8. **Claim 36** is rejected under 35 U.S.C. 103(a) as being unpatentable over Martyn et al. (U.S. 6,195,647), in view of McCarthy et al. (U.S. 2002/0161690), and further in view of Official Notice.

**As per claim 36**, the Martyn et al. and McCarthy et al. combination does not disclose that the market depth comprises a value between 1 and 10.

The Examiner takes Official Notice that is old and well known in the art to assign arbitrary numbers to respective values. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Martyn et al. and McCarthy et al. combination to include assigning respective values to market depth to represent a value between 1 and 10 in order to provide a statistical depiction of the relative size of a trade order needed to move the market a given amount.

### ***Response to Arguments***

9. Applicant's arguments filed January 2, 2009, have been fully considered but they are not persuasive.

In the Remarks, Applicant argues in substance that:

(a) Martyn et al. does not disclose, teach, nor suggest "receiving by a computing device a selection of a quadrant from a plurality of quadrants, in which each quadrant

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comprises a portion of a customizable display and each quadrant comprises a benchmark instrument."

(b) There is no substantial evidence or motivation to modify Martyn et al. with McCarthy et al.

(c) There is not rational and articulate reason to combine Martyn et al. with McCarthy et al.

In response to (a):

The Examiner respectfully disagrees with Applicant's assertion. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Applicant has simply provided a blanket statement that col. 11, lines 43-44, of Martyn et al. does not disclose, teach, or suggest the exact recitation quoted above. Applicant has failed to address the other citations provided, specifically figures 1 & 4, and column 1, lines 53-58; and, furthermore has failed to specifically point out how the claim language of the present applicant differs for the disclosures, teachings, and suggestions provided in Martyn et al. and McCarthy et al. The Examiner cannot address mere allegations of differentiation without further detailed arguments from Applicant. Based on a broad and reasonable claim construction, the Examiner maintains that Martyn et al., in conjunction with McCarthy et al., discloses, teaches, and suggests to one of ordinary skill in the art a customized trading display with various quadrants comprising points of reference (i.e. benchmark instruments).

In response to (b) & (c):

The Examiner respectfully disagrees with Applicant's argument. The Examiner would like to note that KSR v. Teleflex forecloses the argument that a specific teaching, suggestion, or motivation is required to support a finding of obviousness. See the Board decision Ex parte Smith, --USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007)(citing KSR, 82 USPQ2d at 1396)(available at <http://www.uspto.gov/web/offices/dcom/bpai/prec/fd071925.pdf>). Furthermore, KSR states that preventative rules that deny recourse to common sense are neither necessary, nor consistent with, the Supreme Court's case law. See KSR V. Teleflex, 550 U.S. \_\_\_\_ (2007). Applying KSR, both Martyn et al. and McCarthy et al. disclose, teach, and suggest customized trading displays. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow traders to customize their computerized trading displays to create orders, manipulate orders, cancel orders, cycle through multiple issues, obtain trading information more relevant than limit price stacks, or efficiently buy or sell items inside or within a spread market.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Risberg et al. (U.S. 5,339,392) discloses an apparatus and method for creation of a user definable video displayed document showing changes in real time data.

Sasaki (U.S. 5,914,715) discloses an analytical data display method and apparatus.

Brumfield et al. (U.S. 2006/0271475) discloses a system and method for group positioning of market information in a graphical user interface.

Brumfield et al. (U.S. 2006/0265304) discloses a system and method for group positioning of market information in a graphical user interface.

Howorka et al. (U.S. 2005/0171895) discloses a method and apparatus for deriving benchmarks for trading instruments.

Duka (U.S. 2005/0075966) discloses a method of processing, displaying and trading financial instruments and an electronic trading system thereof.

Ram et al. (U.S. 2003/0009411) discloses an interactive grid-based graphical trading system for real time security trading.

Martyn et al. (U.S. 2001/0003179) discloses an on-line transaction processing system for security trading.

Whitney (U.S. 2005/0004852) discloses a system, method and computer medium for trading interface.

Lutnick et al. (U.S. 2004/0158519) discloses an electronic systems and methods for providing a trading interface with advanced features.

Kemp, II et al. (U.S. 6,772,132) discloses a click based trading with intuitive grid display of market depth.

Martin (U.S. 5,181,809) discloses a benchmark device for a plane face, and a matching system implementing it.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. ZECHER whose telephone number is

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(571)270-3032. The examiner can normally be reached on M-F 7:30-5:00 alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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